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AUG 07 2006

OFFICE OF PETITIONS

In re Application of :
Greenberg, et al. :
Application No. 09/976,799 :
Filed: October 12, 2001 :
Attorney Docket No. S100-DIV1 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 3, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a proper reply to the non-final Office action mailed May 12, 2003. A Notice of Non-Compliant amendment was mailed October 29, 2003, which set a one (1) month period for reply. Accordingly, this application became abandoned on November 30, 2003. A Notice of Abandonment was mailed on May 18, 2004.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The file is being forwarded to Technology Center 3700 for review of the amendment, filed May 3, 2006, *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at
(571) 272-3228.



Edward J. Tannouse
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for Patent Examination Policy